In the High Court of Judicature at Madras

Dated:15.02.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K. SAMPATHKUMAR

Habeas Corpus Petition No.149 of 2006

Gunasekaran .. Petitioner

vs.

1. Arun Chandar

2. Pandian

3. The Inspector of Police
J.6 Thiruvanmiyur Police Station
Chennai. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr. V. Parthiban
For respondents : Mr. Abudukumar Rajarathinam
Govt. Advocate (Crl.side)for R3

Mr. Pugalendhi for R.1
Ms. Mahalakshmi for R.2

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ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner by name Gunasekaran has filed this petition seeking direction to the respondents for production of his daughter Bhuvaneswari, aged about 19 years, who is detained illegally by the first and second respondents before this Court and set her at liberty.

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2. Pursuant to our direction, the detenue by name Bhuvaneswari, daughter of the petitioner appeared before us. We enquired her. On our enquiry she reported that she is aged about 19 years and her date of birth being 05.05.1987. Further, to prove her date of birth, she produced the xerox copy of her birth certificate issued by Corporation of Madras. As per the birth certificate, as on date, she is a major. For our further enquiry, she informed this Court that she married the first respondent, Arun Chandar on 15.09.2005 and thereafter the same was registered with the Marriage Registrar, Adyar. She also produced xerox copy of the marriage certificate.

3. During the course of enquiry, we also enquired the parents of the detenue. Though they are anxious and willing to take her daughter back, the detenue asserted that in view of her marriage with the first respondent, who is also present in the Court, refused to accede to their request. Considering the fact that the detenue being a major and the materials produced by her show that she married the first respondent and living together as on date, we are not inclined to pass any order against her wish; accordingly, this petition is dismissed.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Inspector of Police
J.6 Thiruvanmiyur Police Station
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.P.Pugalenthi, Advocate, SR No.7045

AK(CO)
BG/27.2.2006

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